

1 MATTHEW D. POWERS (S.B. #212682)
2 mpowers@omm.com
3 ADAM M. KAPLAN (S.B. #298077)
4 akaplan@omm.com
5 SARAH H. TRELA (S.B. #293089)
6 strela@omm.com
7 O'MELVENY & MYERS LLP
8 Two Embarcadero Center, 28th Floor
9 San Francisco, CA 94111-3823
10 Telephone: (415) 984-8700
11 Facsimile: (415) 984-8701

12 Attorneys for Defendant
13 APPLE INC.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PAUL ORSHAN, CHRISTOPHER ENDARA,
and DAVID HENDERSON, individually and
on behalf of all others similarly situated,

Plaintiffs,
v.
APPLE INC.,
Defendant.

Case No. 5:14-CV-05659-EJD

**[PROPOSED] ORDER GRANTING
DEFENDANT APPLE INC.'S MOTION
TO DISMISS SECOND AMENDED
CLASS ACTION COMPLAINT**

Hearing Date: September 20, 2018
Time: 9:00 a.m.
Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor

Second Amended Complaint: May 1, 2018

The Court, having considered Defendant Apple Inc.'s Motion to Dismiss the Second Amended Class Action Complaint, all other papers submitted in opposition and reply, the pertinent pleadings, matters properly subject to judicial notice, and the applicable law, and finding good cause therefor, hereby **GRANTS** the motion.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Apple Inc.'s Motion to Dismiss is **GRANTED** and the Complaint and all claims asserted therein are **DISMISSED WITH PREJUDICE**.

DATED:

Hon. Edward J. Davila
UNITED STATES DISTRICT JUDGE